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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: John W. Wong et al.

Appln. No.: 09/424,431

Filed: March 16, 2000

For: METHOD AND APPARATUS FOR
DELIVERING RADIATION THERAPY
DURING SUSPENDED VENTILATION

Examiner: Mendoza, Michael G.

Art Unit: 3731

Attorney Docket No: 10546/6

Mail Stop Issue Fee
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Amendment Pursuant to 37 C.F.R. §1.312.
☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

John C. Freeman, Esq. (Reg. No. 34,483)

May 3, 2007

Date

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Patent

Case No. 10546/6

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AMENDMENT PURSUANT TO 37 C.F.R. § 1.312

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Amendment is in response to the Notice of Allowance mailed February 23, 2007.

The proposed Amendment is necessary and was not earlier presented because it responds to statements made by the Board of Patent Appeals and Interferences (hereinafter "the Board") in their decision mailed on November 3, 2006 which were not addressed by the Examiner in the Notice of Allowance. In particular, the Board remanded the application to the Examiner in order for him to "consider a rejection of claims 15 and 23 through 32 under 35 U.S.C. § 112, first paragraph" (Board decision, page 11). There is no evidence in the Notice of Allowance that the rejection was considered by the Examiner. The present Amendment attempts to address the issue by amending certain claims. It is not believed that the amendments to the claims will

Do not enter

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require further searching or present new issues. Also, the amendments are believed to overcome the issues raised by the Board and so the issues for Appeal have been reduced. Accordingly, Applicants request that the present amendments to the Specification and claims 15, 23-25 and 29-34 be entered pursuant to 37 C.F.R. § 1.312.